

PRISONER'S CIVIL RIGHTS COMPLAINT (Rev. 05/2015)

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISIONUnited States Courts
Southern District of Texas
FILED

JAN 07 2020

David J. Bradley, Clerk of Court

William Shane Cochran * 2103452

Plaintiff's Name and ID Number

Pack Unit, 2400 Wallace Pack Rd.

Navasota, Texas 77868

Place of Confinement

CASE NO. _____

(Clerk will assign the number)

v.

Bryan Collier, ED TDCJ, P.O. Box 99Huntsville, Texas 77342, In his official capacity,

Defendant's Name and Address

Robert Herrera, Pack Unit, 2400 Wallace Pack Rd.Navasota, Texas 77868, In his individual capacity,

Defendant's Name and Address

Brittney Tilley, Pack Unit, 2400 Wallace Pack Rd.Navasota, Texas 77868. In her individual capacity.

Defendant's Name and Address

(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACKSIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

FILING FEE AND *IN FORMA PAUPERIS* (IFP)

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$50.00 for a total fee of **\$400.00**.
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "... if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

CHANGE OF ADDRESS

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motion for any other relief. Failure to file a NOTICE OF THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

- A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment? YES NO
- B. If your answer to "A" is "yes", describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
 1. Approximate date of filing lawsuit: _____
 2. Parties to previous lawsuit:
Plaintiff(s) _____
Defendant(s) _____
 3. Court: (If federal, name the district; if state, name the county.) _____
 4. Cause number: _____
 5. Name of judge to whom case was assigned: _____
 6. Disposition: (Was the case dismissed, appealed, still pending?) _____
 7. Approximate date of disposition: _____

II. PLACE OF PRESENT CONFINEMENT: TDCJ Wallace Pack Unit, Navasota, Tx.

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure? YES NO

Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: William Shane Cochran # 2103952

Pack Unit, 2400 Wallace Pack Rd. Navasota, Texas 77868

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: Bryan Collier, executive director of TDCJ P.O. Box 99

Huntsville, Texas 77342

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

He is legally responsible for all operations of the Department and each institution under its jurisdiction, including the Wallace Pack Unit, First Amendment violation; deprivation of United States Mail to family - adult children.

Defendant #2: Robert Herrera, Warden Pack Unit, 2400 Wallace Pack Rd.

Navasota, Texas 77868

Briefly describe the acts(s) or omission(s) of this defendant which you claimed harmed you.

Repeated verbal threats of violence, First Amendment violations; deprivation of U.S.P.S to family - adult children.

Defendant #3: Brittney Tilley, Unit Classification Chief, 2400 Wallace Pack Rd.

Navasota, Texas 77868

Briefly describe the acts(s) or omission(s) of this defendant which you claimed harmed you.

Destruction of grievances, Verbal threats, First Amendment violation; deprivation of U.S.P.S to family - adult children.

Defendant #4: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #5: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

Defendants continuously uses threats of violence and destroy grievances in depriving the plaintiff of his First Amendment Right to correspond with his adult children, (see Exhibit A)

VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes. *A permanent injunction ordering defendants to stop depriving plaintiff of his rights to correspond with his adult children, Compensatory damages in the amount of \$ 30,000.00 against each defendant, Punitive damages in the amount of \$ 7000.00 against each of the defendants. Plaintiff's costs in this suit, and any additional relief this Court deems just, proper, and equitable.*

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

William Shane Cochran

B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

2103952

VIII. SANCTIONS:

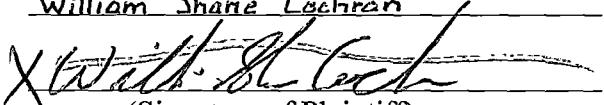
A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): _____
2. Case number: _____
3. Approximate date sanctions were imposed: _____
4. Have the sanctions been lifted or otherwise satisfied? YES NO

- C. Has any court ever warned or notified you that sanctions could be imposed? YES NO
- D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued. (If more than one, use another piece of paper and answer the same questions.)
1. Court that issued warning (if federal, give the district and division): _____
 2. Case number: _____
 3. Approximate date warning was issued: _____

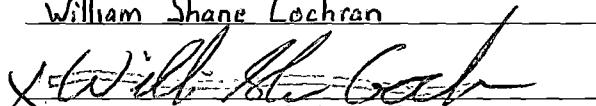
Executed on: 01/01/2020
DATE

William Shane Cochran

(Signature of Plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this First day of January, 20 20.
(Day) (month) (year)

William Shane Cochran

(Signature of Plaintiff)

WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.

Plaintiff William Shane Cochran is and was at all times mentioned herein a prisoner of the State of Texas in the custody of the Texas Department of Criminal Justice. He is currently confined in The Pack One Unit in Navasota, TX.

Defendant Robert Herrera is the Warden of The Pack One Unit. He is legally responsible for the operation of The Pack One Unit and for the welfare of all the inmates in that prison.

III. Facts

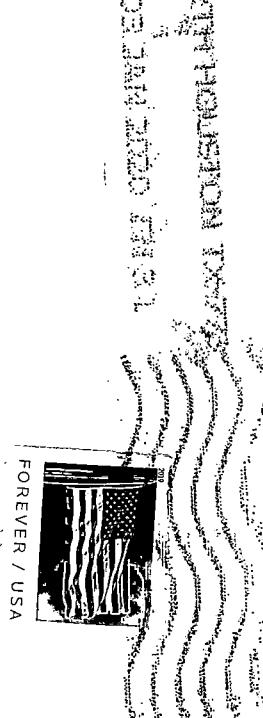
On or about February 7, 2019 at around 1:00 pm I was called down to Ms. Brittiny Tilley's office The Chief of U.C.C. (Unit Classification Committee) where I was met by Warden Robert Herrera, and The Pack One Unit's Grievance Investigator. At this time Robert Herrera asked me who Percy Kennedy was and why I had him send mail to my children. I informed Warden Robert Herrera that Mr. Kennedy was a volunteer for the inside out dads program, and that I did not ask him or give him anything to mail for me. Warden Robert Herrera then asked me how I got letters sent to my two oldest children, Alexandria 19 and Brieanne 18, to which I answered that I had properly mailed them from this unit through my indigent mail system. Warden Robert Herrera then became threatening by say you know you can't contact your children. I'm going to investigate this and when I prove you had someone mail this for you I'm going to make it the worst day in your fucking day in your T.D.C. life and I'm going to make your life hell and make you wish you had never come to this unit.

I then asked Warden Herrera "So you are telling me I can't contact my adult children. Please show me anything from them saying I can't contact them or that they don't want me to contact them, otherwise who are you or anyone to tell me I can't write them." Warden Herrera replied I don't have to show you a m F ing thing. Then Warden Herrera asked how old are these two. I replied Alexandria is 19 yrs old, and Brieanne is 18 yrs old. Warden Herrera told me to step out of the office and I did for about 10 minutes. Warden Herrera called me back into the office and said this is under investigation and like I said if you did this you are going to wish you never came to this unit. Go back to your dorm.

I immediately filed a I-127 Step One Grievance. On or about the February 8, 2019 I was called down to see. When I got there she and Warden Herrera were waiting. Warden Herrera said I have enough problems with this god damn federal O/L law suit I don't need your s right now. At which time told me that this was not a grievable matter, tore up the grievance, and threw it in the garbage.

I immediately filed a I-128 Step Two Grievance, which is supposed to leave the unit and go straight to Huntsville, Texas. On or about February 11, 2019 I was called down to see the Grievance investigators office, where she and Warden Herrera were once again waiting for me. Warden Herrera said didn't I make my self (s)eal the other day. I don't have time to put up with your m F S. Stop writing these god damn grievances. Once again, I tore it up and threw it away.

TXSD
Hilburn Shane Cochran # 2103952
Cell Unit, 2400 Wallace Park Rd.
Brownsville, Texas 78568



United States
Southern District Courts
Fifth Circuit Court
of Appeals
JAN 07 2020

David J. Bradley, Clerk of Court

United States District Court
Post Office Box 61010
Houston, Texas 77208-1010

77208-1010